

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON AUGUST 19, 2009 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mrs. Hopkins, established the presence of a quorum.

Present: Robert Miller, Chair
 Walt Haynes, Vice Chair
 Frank Lau, Member
 David Moore, Member
 Bryan Rice, Member
 John Tuttle, Member
 Ryan Thum, Member
 Malvin Wells, Member
 John Muffo, Board of Supervisors Liaison
 Steve Sandy, Planning Director
 Dari Jenkins, Planning & Zoning Administrator
 Jamie MacLean, Development Planner
 Brea Hopkins, Planning & Zoning Technician
 Kevin Byrd, Comprehensive Planner
 Marty McMahon, County Attorney

Absent: William Seitz, Secretary

PUBLIC ADDRESS:

Mr. Miller opened the public address; however, there being no speakers the public address was closed.

APPROVAL OF AGENDA:

On a motion by Mr. Haynes, seconded by Mr. Moore , and unanimously carried the agenda was approved as amended to add Roger Woody rezoning request and Emerald Investors rezoning request as items under Old Business.

On a motion by Mr. Wells, seconded by Mr. Lau, and unanimously carried the consent agenda was approved.

PUBLIC HEARING:

An ordinance amending Chapter 10 Entitled Zoning, Section 10-37 of the Code of the County of Montgomery, Virginia by amending the Flood Damage Prevention Overlay by reorganizing the ordinance and specifying standards that apply to the different flood hazard areas.

Mr. Miller introduced the proposed ordinance amendment.

Mr. Sandy stated the previous amendments to section 10-37 were reviewed by the VA Dept. of Conservation and Recreation using a checklist provided by FEMA. This set of amendments was requested based upon comments from that review.

Mr. Lau noted that none of the amendments considered upstream developments.

Mr. Sandy stated that new floodplain areas were not designated or researched as part of the study. The study simply reviewed and delineated the existing designated flood areas.

Mr. Moore stated that stormwater management regulations should control some of those issues.

Mr. Sandy noted that because Montgomery County participates in the flood program, anyone in the county regardless of where they live within the county can purchase flood insurance at a discounted rate.

Mr. Miller opened the public hearing.

There being no speakers the public hearing was closed.

On a motion by Moore, seconded by Wells, and carried by a 8-0 vote (Seitz absent) the Planning Commission recommended approval of the request to amend Chapter 10 entitled Zoning, Sections 10-37, Flood Damage Prevention Overlay, of the Code of the County of Montgomery, VA as presented.

OLD BUSINESS:

On a motion by Mr. Lau, seconded by Mr. Wells and unanimously carried the Roger Woody rezoning request, Emerald Investors rezoning request, and Northwoods preliminary plat were removed from the table for discussion.

A request by Roger Woody (Agent: Balzer & Associates) for rezoning of approximately 6.0184 acres from Agriculture (A1) to General Business (GB), with possible proffered conditions, to allow hotel and restaurant uses. In addition, a special use permit is requested to allow a convenience store with motor fuel sales. The property is located on the southeast corner of the intersection of Tyler Road (Rt. 600) and Meadow Creek Road (Rt. 658), identified as Tax Parcel No(s). 104-4-47 (Acct Nos. 002244), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and Planned Commercial in the Route 177 Corridor Plan.

Mr. Byrd stated the request was tabled to address concerns. Since the last meeting a letter has been received from the City of Radford granting additional sewer capacity to the Montgomery County PSA. The master plan was revised to incorporate the amendment to the round-about. Mr. Byrd reviewed the revised proffer statement submitted by the applicant.

Mr. Moore stated he would like to commend the staff, developer and agent for their work on these projects.

On a motion by Mr. Moore, seconded by Mr. Wells and carried by a 8-0 vote (Seitz absent), the Planning Commission recommended approval of the request to rezone approximately 6.0184 acres from Agriculture (A-1) to General Business (GB), with the following proffered conditions:

- 1) Property shall be developed in substantial conformance with the conceptual plan by Balzer and Associates, Inc. dated July 1, 2009 and revised August 17, 2009.
- 2) The site shall be served by Montgomery County PSA sanitary sewer and water. The rezoning of the property does not allocate or reserve water and sewer capacity for the proposed development. Site plan approval for the development shall be conditioned upon adequate water and sewer capacity being available. There is a limited amount of water and sewer capacity available for development in the 177 Corridor before infrastructure improvements are needed to increase capacity. The applicant may be responsible for bearing the cost of any

necessary utility infrastructure improvements needed by the PSA both on site and off site to accommodate the requested capacity based on the proposed use for the Property.

- 3) A detailed site plan/subdivision plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development.
- 4) Stormwater management shall be proposed on the adjacent property, TM# 104-A 27A, in accordance with all State and Local stormwater management standards.
- 5) All entrances onto Tyler Road at the roundabout and the right in/right out as shown on the Master Plan dated August 17, 2009 and submitted to VDOT as part of the Traffic Impact Analysis shall will be designed to Virginia Department of Transportation standards and meet the Montgomery County 177 Corridor Plan.
- 6) The right in/right out entrance shall be approved and constructed prior to the issuance of a certificate of occupancy for building "C" or "D" as shown on the approved Master Plan.
- 7) The following uses will be prohibited in the General Business District: apartment as accessory use, building material sales, cemetery, church, civic club, crematorium, custom meat cutting-processing and sales, funeral home, homeless shelter, pet-household, public utility lines-other distribution or collection facility, school, and garden center.
- 8) The owner will agree to share in the expense of realigning and improving Barn Road in an amount not to exceed the lesser of \$136,500.00 or 50% of the cost of those improvements upon the closing of Meadow Creek Road and the vacation of the associated Meadow Creek Road right of way by the Montgomery County Board of Supervisors.
- 9) The owner shall coordinate and cooperate with AEP during the development of construction plans consistent with the July 29, 2009, letter from AEP to Balzer & Associates, Inc. in order to provide for the overall safety of future users of the site and to ensure that AEP construction guidelines are effectively met.
- 10) The following architectural standards of the development will be incorporated into the development to provide compatibility with commercial uses on the 177 Corridor:
 - a. No heating, air conditioning or mechanical equipment shall be placed on the roof of any building unless screened from ground level. Flat roofs shall have a parapet wall tall enough in height to screen any roof mounted mechanical equipment.
 - b. The exposed portions of all exterior wall surfaces of each building on the Property (excluding rooftop screening materials for mechanical equipment) shall be designed and constructed of similar materials. This proffer shall not preclude the use of a design that alternates a combination of permitted materials for architectural effect. Building materials shall consist of brick, stone, split face block, EIFS such as Dryvit or cementitious siding.
 - c. Roofing materials for pitched roofs shall be metal, natural or composite shingle. Buildings with flat roofs shall have a decorative cornice at the top of all walls.
 - d. When a building is adjacent to a public right of way, architectural detail shall be incorporated to create architectural character on the building faces that are visible from that public right of way. Detail includes highlighting foundations, lintels, sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries.
 - e. Windows and doors shall have a regular pattern of solids and voids that are consistent throughout individual buildings when visible from a public right of way.
 - f. Building elevations shall be included with all site plan submittals.
 - g. Prefabricated metal buildings with vertical metal siding shall be prohibited.

On a motion by Mr. Moore, seconded by Mr. Rice and carried by a 8-0 vote (Seitz absent), the Planning Commission recommended approval of the Special Use Permit to allow a convenience store with motor fuel sales with the following conditions:

- 1) All exterior lighting on the site shall conform to Montgomery County Code 10-46, Performance Standards. In addition, canopy lighting over any fuel pumps shall be recessed, flat lens fixtures.
- 2) The site shall not be utilized as a trucking terminal. Overnight or extended parking of tractor trailers shall be prohibited.
- 3) Site design and fuel pumps shall follow best management practices of the Virginia Department of Environmental Quality to prevent spills and leakage of fuel into groundwater or stormwater facilities.
- 4) The columns and kiosk (if applicable) of any fuel pumps and canopy shall primarily be of brick, stone, or similar material the style and color of which shall match the convenience store to which it is associated to the extent practicable, unless otherwise requested and specifically approved, at the time of site plan approval.

A request by Emerald Investors, Inc (Agent: Balzer & Associates) for rezoning of approximately 9.44 acres from Agriculture (A1) to General Business (GB), with possible proffered conditions, to allow retail sales and commercial offices. In addition, a special use permit is requested to allow a convenience store with motor fuel sales. The property is located approximately 500 ft. southwest of the I-81 Exit 109 and Tyler Road intersection, 2843 Tyler Road, identified as Tax Parcel No(s). 104-A-30 (Acct Nos. 011606), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and Planned Commercial in the Route 177 Corridor Plan.

Mr. Byrd stated the request was tabled at the previous meeting to allow the applicant to address concerns regarding sewer capacity and architectural design. The City of Radford has provided a letter allocating more sewer capacity has been received. A proffer statement has been submitted to address concerns regarding the architectural design issues.

On a motion by Mr. Haynes, seconded by Mr. Tuttle and carried by a 8-0 vote (Seitz absent) the Planning Commission recommended approval of the request to rezone approximately 9.44 acres from Agriculture (A-1) to General Business (GB), with the following proffered conditions:

- 1) Property shall be developed in substantial conformance with the conceptual plan by Balzer and Associates, Inc. dated June 1, 2009 and revised August 17, 2009.
- 2) The site shall be served by Montgomery County PSA sanitary sewer and water. The rezoning of the property does not allocate or reserve water and sewer capacity for the proposed development. Site plan approval for the development shall be conditioned upon adequate water and sewer capacity being available. There is a limited amount of water and sewer capacity available for development in the 177 Corridor before infrastructure improvements are needed to increase capacity. The applicant may be responsible for bearing the cost of any necessary utility infrastructure improvements needed by the PSA both on site and off site to accommodate the requested capacity based on the proposed use for the Property.
- 3) A detailed site plan/subdivision plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development.

- 4) Stormwater management shall be proposed on the property in accordance with all State and Local stormwater management standards.
- 5) The entrances onto Tyler Road at the roundabout and the right in/right out as shown on the MasterPlan dated August 17, 2009 and submitted to VDOT as part of the Traffic Impact Analysis shall be designed to Virginia Department of Transportation standards and meet the Montgomery County 177 Corridor Plan.
- 6) The Tyler Road entrance improvements referenced in proffer 5 above shall be constructed and approved and accepted by VDOT prior to any building permits being issued.
- 7) The following uses will be prohibited in the General Business District: apartment as accessory use, building material sales, cemetery, church, civic club, crematorium, custom meat cutting-processing and sales, funeral home, homeless shelter, pet-household, public utility lines-other distribution or collection facility, school, and garden center.
- 8) The owner shall coordinate and cooperate with AEP during the development of construction plans consistent with the July 29, 2009, letter from AEP to Balzer & Associates, Inc. in order to provide for the overall safety of future users of the site and to ensure that AEP construction guidelines are effectively met.
- 9) The following architectural standards of the development will be incorporated into the development to provide compatibility with commercial uses on the 177 Corridor:
 - a. No heating, air conditioning or mechanical equipment shall be placed on the roof of any building unless screened from ground level. Flat roofs shall have a parapet wall tall enough in height to screen any roof mounted mechanical equipment.
 - b. The exposed portions of all exterior wall surfaces of each building on the Property (excluding rooftop screening materials for mechanical equipment) shall be designed and constructed of similar materials. This proffer shall not preclude the use of a design that alternates a combination of permitted materials for architectural effect. Building materials shall consist of brick, stone, split face block, EIFS such as Dryvit or cementitious siding.
 - c. Roofing materials for pitched roofs shall be metal, natural or composite shingle. Buildings with flat roofs shall have a decorative cornice at the top of all walls.
 - d. When a building is adjacent to a public right of way, architectural detail shall be incorporated to create architectural character on the building faces that are visible from that public right of way. Detail includes highlighting foundations, lintels, sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries.
 - e. Windows and doors shall have a regular pattern of solids and voids that are consistent throughout individual buildings when visible from a public right of way.
 - f. Building elevations shall be included with all site plan submittals.
 - g. Prefabricated metal buildings with vertical metal siding shall be prohibited.

On Motion by Mr. Rice, seconded by Mr. Tuttle and carried by a 8-0 vote (Seitz absent) the Planning Commission recommended approval of the request for a special use permit in the General Business (GB) district to allow a convenience store with motor fuel sales with the following conditions:

- 1) All exterior lighting on the site shall conform to Montgomery County Code 10-46, Performance Standards. In addition, canopy lighting over any fuel pumps shall be recessed, flat lens fixtures.
- 2) The site shall not be utilized as a trucking terminal. Overnight or extended parking of tractor trailers shall be prohibited.

- 3) Site design and fuel pumps shall follow best management practices of the Virginia Department of Environmental Quality to prevent spills and leakage of fuel into groundwater or stormwater facilities.
- 4) The columns and kiosk (if applicable) of any fuel pumps and canopy shall primarily be of brick, stone, or similar materials, the style and color of which shall match the convenience store to which it is associated to the extent practicable, unless otherwise requested and specifically approved, at the time of site plan approval.

Northwoods Preliminary Plat Approval

Mr. Sandy stated that plat was previously tabled to address concerns regarding the connector road that was proffered in 1996 when the rezoning was approved. The commission requested that the applicant provide a plat showing the connector road. The determination that this shall be included in phase 1 was appealed to the BZA and the BZA upheld that decision. The County Attorney has been working with the developer to enter into a performance agreement regarding the connector road. This agreement would stipulate at what point the road would be required. Mr. Sandy reviewed the performance agreement for the Commission.

Mr. Wells stated that progress has been made since the last planning commission discussion and he was satisfied with the performance agreement.

Mr. Jim Cowan, attorney representing Mr. Price, stated that one of the concerns was the location of the proposed connector road. In the performance agreement the concept map is included to show the proposed location of that road. The traffic study indicates that the additional traffic on Oilwell Road will not hinder traffic. The 10th building permit would require the connector road to be constructed or bonded. There is a commitment by the developer to handle snow removal and maintenance until a point that it can be taken over by VDOT.

Mr. Moore stated that the performance agreement appeared to be a reasonable resolution. The plat appears to meet all ordinance requirements and proffered conditions. Long cul-de-sacs are not desirable; however, they are allowed by the ordinance.

Mr. Rice asked if VDOT was willing to accept the road if it is a long cul-de-sac.

Mr. Bowman, Anderson and Associates, stated the plans have been submitted to VDOT in order to obtain official approval of the proposed road network. VDOT has not indicated if preliminary approval by October 1st would grandfather the road network.

Mr. Sandy noted that there are still ongoing discussions regarding the specific performance standards.

Mr. Thum stated the reports should be submitted annually rather than bi-annually.

Mr. Moore asked if lots could be sold without construction of the connector road.

Mr. Cowan stated the lots could be sold; however, the purchasers could not build until the road was bonded or constructed. A plat note will be added to inform purchasers of the agreement.

On motion by Mr. Wells, seconded by Mr. Moore and carried by an 8-0 vote (Seitz absent) the planning commission tabled the Northwoods subdivision preliminary plat to allow further discussion and refinement of the performance standards agreement.

Ordinance Amendment Regarding Agricultural Accessory Uses & Definitions

Ms. Jenkins reviewed a draft of possible ordinance amendments regarding agriculture accessory uses.

Mr. Moore stated the uses would need to be included under the zoning districts special use permit section. He noted the need to keep language describing property, lot, parcel, etc. the same.

Mr. Rice discussed the designation of parcels and the number of units that would be allowed.

Mr. Thum asked if the setback would be from property lines regardless of owner or only from an adjoining owner.

Mr. Sandy stated the original intent was to setback from a different owner.

Mr. Rice stated there should be a setback regardless of owner in case one lot is sold.

NEW BUSINESS:

None

WORKSESSION:

None

There being no further business, the meeting was adjourned at 8:25 pm.